

PROGRAM CHARTER
for the
FISHERIES MANAGEMENT PROGRAM

Program Manager: Galen R. Tromble
Ecosystem Goal Team Lead: Steven A. Murawski, Ph.D.

1. EXECUTIVE SUMMARY

The Fisheries Management Program (FMP) applies regionally-specific ecosystem approaches to managing sustainable fisheries in marine and coastal areas. These fisheries form an integral component of the Nation's economy and environment. Eliminating overfishing¹ and rebuilding overfished² stocks are essential to ensuring biological sustainability and to increasing long-term economic and social sustainability in regions around the Nation. For some coastal areas, access to healthy fisheries can strengthen community resilience in the face of natural disasters and other stressors.

The FMP works closely with international partners, regional fishery management councils, and coastal states in achieving NOAA's goal to "Protect, Restore, and Manage the Use of Coastal and Ocean Resources through an Ecosystem Approach to Management." The FMP encompasses a wide variety of capabilities: fishery plan development; regulatory analysis, evaluation, and implementation; economic sustainability; state partnerships; international coordination and cooperation; fisheries policy development and implementation; and outreach and education. The program relies on products and services generated through integration with other NOAA programs, including basic and applied science for the analysis and decision-making that support ecosystem approaches to fisheries management and enforcement to ensure compliance with regulations.

The FMP works to manage federal fisheries under authority of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), Atlantic Coastal Act, Atlantic Tuna Convention Act, Interjurisdictional Fisheries Act, numerous other congressional acts and executive orders, as well as international treaties and conventions. The MSA was reauthorized in 2007 and reinforced the importance of ending overfishing by mandating the use of annual catch limits and accountability measures in all fisheries. Working within this structure of legislation, collaboration, and international agreements, the program maintains and restores productive stocks important to commercial, recreational, tribal, and subsistence fisheries.

The FMP activities occur in the following large marine ecosystems: Northeast Shelf, Southeast Shelf, Gulf of Mexico, Caribbean, Gulf of Alaska, Bering Sea, California Current, and Pacific Islands.

¹ A stock above an established fishing mortality (harvest) rate is said to be subject to overfishing

² A stock below its prescribed biological threshold is considered overfished

The FMP is part of the Ecosystem Goal. More information on the program can be found at the following websites:

- http://ecosystems.noaa.gov/fisheries_management.htm
- <http://www.nmfs.noaa.gov/sfa/sfweb/>
- <http://www.nmfs.noaa.gov/>
- https://nightshark.nmfs.noaa.gov/sf/fmp/fishery_management.htm

2. PROGRAM REQUIREMENTS

A. Key Requirement Drivers

The FMP's requirement drivers include legislation, regulations, Executive Orders, and policy decisions. Key drivers are listed below. Please see the Appendix for a complete list of drivers and brief description of each.

Executive Response to the U.S. Commission on Ocean Policy

- *U.S. Ocean Action Plan (OAP)*

The Ocean Action Plan creates a Committee on Ocean Policy and calls for regional-level governance, planning, and coordination on ocean issues. Its primary objective is to improve the health and management of marine areas through regional and ecosystem approaches.

Commercial and recreational marine fisheries are an important source of economic revenue and jobs. The commercial fishing industry's total annual value is estimated to exceed \$28 billion, while the recreational saltwater fishing industry is valued at approximately \$30 billion annually. In order to maintain these two industries as a healthy part of the U.S. economy and to promote a healthy marine ecosystem, the Federal government needs to continue to take steps to improve fisheries management and the OAP specifies several actions that are the responsibility of the FMP.

Legislation

- *Magnuson-Stevens Fishery Conservation and Management Act (MSA)*

The MSA serves as the primary authority for fisheries management in the U.S. Exclusive Economic Zone. The MSA establishes authority within the U.S. Department of Commerce, through NMFS and the eight fishery management councils, for management of U.S. fishing operations. Section 301(a) contains 10 national standards with which all fishery management plans and their amendments must be consistent.

The MSA was reauthorized and amended on January 12, 2007, by the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (MSRA). The new law is groundbreaking in several respects: it mandates the use of annual catch limits and accountability measures to end overfishing, provides for

widespread market-based fishery management through limited access privilege programs, and calls for increased international cooperation. The MSRA also requires NMFS to revise and update procedures for compliance with the National Environmental Policy Act (NEPA). The implementation of the MSRA is one of the FMPs top priorities.

- *National Environmental Policy Act of 1969 (NEPA)*

NEPA is the foundation for assessing and disclosing the environmental impacts of a Federal decision. NEPA requires that NOAA, when carrying out its duties, use all practicable means to create and maintain conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations of Americans. NEPA provides a mandate and a framework for NOAA to consider all reasonably foreseeable environmental effects of its proposed actions and to involve and inform the public in the decision-making process.

- *Endangered Species Act of 1973 (ESA)*

The ESA implemented the Convention on International Trade in Endangered Species of Wild Fauna and Flora, signed by the United States on March 3, 1973, and the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere, signed by the United States on October 12, 1940. The ESA provides for the conservation of ecosystems upon which threatened and endangered species of fish, wildlife, and plants depend, both through Federal action and by encouraging the establishment of State programs.

- *Marine Mammal Protection Act of 1972 (MMPA)*

The MMPA requires NOAA to conserve marine mammals such as cetaceans and pinnipeds, other than the walrus. With certain specified exceptions, the Act establishes a moratorium on the taking and importation of marine mammals as well as products taken from them, and establishes procedures for waiving the moratorium and transferring management responsibility to the States.

International or inter-agency cooperation and bilateral or multilateral requirements drivers:

- *U.N. Code of Conduct for Responsible Fisheries and Convention on the Law of the Sea relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (Code of Conduct for Responsible Fisheries)*

This Code of Conduct for Responsible Fisheries sets out principles for the conservation and management of those fish stocks and establishes that such management must be based on the precautionary approach and the best available scientific information. The Agreement elaborates on the fundamental principle, established in the Convention, that States should cooperate to ensure conservation and promote the objective of the optimum utilization of fisheries resources both within and beyond the exclusive economic zone.

- *The Antarctic Marine Living Resources Convention Act of 1994 (AMLRCA)*

The AMLRCA implements the Convention on the Conservation of Antarctic Marine Living Resources (the Convention). The Convention and the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) was established mainly in response to concerns that an increase in krill catches in the Southern Ocean could have a serious effect on populations of krill and other marine life; particularly on birds, seals, and fish, which mainly depend on krill for food. The FMP conducted a comprehensive review of U.S. regulatory measures to implement conservation and management measures adopted by CCAMLR and published a Final Programmatic Environmental Impact Statement (FPEIS) in October 2006. Following publication of the FPEIS, a Record of Decision on preferred alternatives would form the basis for any rulemaking process to amend U.S. regulations implementing CCAMLR conservation and management measures, if appropriate.

- *Atlantic Tunas Convention Act of 1975 (ATCA)/International Convention for the Conservation of Atlantic Tunas (ICCAT) (signed in Rio de Janeiro on May 14, 1966)*

The Atlantic Tunas Convention Act authorizes the Secretary of Commerce to administer and enforce all provisions of ICCAT. Pursuant to this goal, the Secretary cooperates with the duly authorized officials of the government of any party to the Convention as well as any other Federal department or agency or any State. This Act authorizes the Secretary to prohibit the entry into the United States of any species subject to regulations recommended by ICCAT and taken from the Convention area in a manner that would diminish the effectiveness of ICCAT's conservation efforts. The Secretary may also prohibit the importation of any fish regulated by the Convention from a country whose fishing vessels are harvesting in the Convention area in a manner that would diminish the effectiveness of ICCAT's recommendations. The Act aims to maintain populations of tunas and tuna-like species at levels that will permit the maximum sustainable yield from the fishery.

- *Interjurisdictional Fisheries Act of 1986 (IFA)/Anadromous Fish Conservation Act 1965 (AFCA)*

The Interjurisdictional Fisheries Act provides for grants by the Secretary of Commerce to States for management of interjurisdictional commercial fishery resources.

The Anadromous Fish Conservation Act authorizes the Secretaries of the Interior and Commerce to enter into cooperative agreements with the States and other non-Federal interests for conservation, development, and enhancement of anadromous³ fish, including those in the Great Lakes, and to contribute up to 50 percent as the Federal share of the cost of carrying out such agreements.

³ Anadromous means ascending rivers from the sea for breeding

- *Atlantic Coastal Fisheries Cooperative Management Act (ACFCMA)/Atlantic Striped Bass Conservation Act (ASBCA)*

The purpose of the Atlantic Coastal Fisheries Cooperative Management Act is to provide assistance to eligible States and the Atlantic States Marine Fisheries Commission (ASMFC) in order to support and encourage the development, implementation, and enforcement of effective interstate conservation and management of Atlantic Coastal resources.

The Atlantic Striped Bass Conservation Act, approved October 31, 1984, recognizes the commercial and recreational importance, as well as the interjurisdictional nature, of striped bass and established a unique State-based, Federally backed management program.

- *High Seas Fishing Compliance Act (HSFCA)*

The HSFCA is the federal legislation implementing the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas. It requires high seas fishing vessels to operate under permits issued by the Secretary of Commerce and to comply with international conservation and management measures. The Act provides civil, criminal, and forfeiture penalties for violation.

- *Tuna Conventions Act of 1950 (TCA)/Agreement on the International Dolphin Conservation Program (AIDCP)*

The Tuna Conventions Act of 1950 implements the Convention for the Establishment of an Inter-American Tropical Tuna Commission (IATTC)

The Agreement on the International Dolphin Conservation Program (AIDCP) was established to ensure the long-term sustainability of tuna stocks in the eastern Pacific Ocean, as well as living marine resources related to the tuna fisheries; to seek ecologically sound means of capturing large yellowfin tunas not in association with dolphin; to progressively reduce the incidental dolphin mortalities in the tuna fishery of the eastern Pacific Ocean to levels approaching zero; and to avoid, reduce, and minimize the incidental catch and the discard of juvenile tuna and the incidental catch of non-target species, taking into consideration the interrelationship among species in the ecosystem.

- *Pacific Salmon Treaty Act of 1985 (PSTA)*

The Act establishes implementation of the treaty between the United States and Canada for the conservation, rational management, and optimum production of the Pacific salmon resource. The Act also addresses such matters as federal jurisdiction, the adoption of regulations and enforcement.

- *Northern Pacific Halibut Act (NPHA)*

This Act implements the 1953 Convention between the U.S. and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and the Bering Sea, as well as its 1979 Protocol. The Act provides for the appointment of U.S. Commissioners to the International Halibut Commission. It sets out the responsibilities of the Secretary of Commerce in carrying out the treaty obligations, and provides for regulation of the U.S. portion of the Convention waters by the Regional Fishery Management Council having jurisdiction over the area concerned.

B. Mission Requirements

Mission requirements derived from requirement drivers vary in terms of desired end states, substantive mandates, and detailed procedural mandates. A summary of key drivers and requirements is described below. Please see the Appendix for a comprehensive list. Requirements drivers that support each requirement are shown in parentheses following the requirement.

- Work with Regional Fishery Management Councils to promote greater use of market-based systems for fisheries management through the support and promotion, as appropriate, of limited access privileges. (OAP)
- Advance regional fisheries management, such as the Southeast Aquatic Resources Partnership, which focuses on joint resource responsibility, rather than individual Federal and state responsibilities. (OAP)
- Foster a balanced representation for Regional Fishery Management Councils. (OAP)
- Foster sustainable harvests of key fish species in the Caribbean and nearby Atlantic. (OAP)
- Regional Offices submit annual bycatch progress reports to AA, NMFS. (OAP)
- Establish an implementation plan for combating international “illegal, unregulated, and unreported” fishing. (OAP)
- Work with the regional fishery management councils to facilitate council consideration of measures to conserve and manage deep-sea coral communities. Encourage all regional fishery management councils to take action, where appropriate, to protect deep-sea corals when developing and implementing regional fishery management plans. (OAP)
- Conserve and manage the fishery resources found off the coasts of the United States, and the anadromous species and Continental Shelf fishery resources of the United States. (MSA)
- Prevent the act of overfishing, rebuild overfished stocks, and achieve and maintain, on a continuing basis, the optimum yield from each fishery. (MSA)
- Protect essential fish habitat, including through advice to Councils and review of projects conducted under Federal permits, licenses, or other authorities. (MSA)
- Accept international agreements that provide for effective conservation and management of fishery resources, particularly highly migratory species; including agreements to regulate fishing by vessels or persons beyond the exclusive economic zones of any nation and to eliminate destructive fishing practices on the high seas, particularly high-seas driftnet fishing. (MSA; HSFCA)
- Develop annual catch limits and accountability measures for all fisheries to end and

prevent overfishing in 2010 for stocks subject to overfishing, and 2011 for all others. (MSRA)

- Develop guidance on Limited Access Privilege Programs (LAPPs) that will clarify for the Councils and Regions what must be done when developing LAPPs. (MSRA)
- Conduct referenda for Individual Fishing Quota programs under consideration by the New England Fishery Management Council and the Gulf of Mexico Fishery Management Council before they can be approved. (MSRA)
- Increase international cooperation in fisheries management by: 1) addressing international overfishing, 2) addressing illegal, unreported, and unregulated fishing and bycatch of protected living marine resources, 3) improve international monitoring of fishing activities and compliance, and 4) strengthen regional fishery management organizations. (MSRA)
- Revise and update NMFS procedures to comply with the National Environmental Policy Act (NEPA). NMFS must work with the Council on Environmental Quality (CEQ) and the Regional Fishery Management Councils (Councils), and involve the public in the development of the revised procedures. (MSRA)
- Using a systematic, interdisciplinary approach to insure the integrated use of the natural and social sciences in planning and in decision-making, undertake efforts to prevent or eliminate damage to the environment, stimulate the health and welfare of man, and enrich the understanding of ecological systems and natural resources important to the Nation. For example, prepare Environmental Impact Statements, Environmental Assessments, or Categorical Exclusions for all fishery management actions, as applicable. (NEPA)
- Undertake activities to conserve endangered and threatened species and to conserve ecosystems upon which endangered and threatened species depend. For instance, consult with the Office of Protected Resources under Section 7 of the ESA and consider the impact on endangered and threatened species when preparing fishing regulations. (ESA)
- Conserve, develop and enhance anadromous fish resources of the United States through cooperation with states (i.e., allocating funds) to manage interjurisdictional fish resources throughout their range. (AFCA, IFA, ACFCMA)
- Make recommendations regarding the development and management of any body of water for the conservation and enhancement of anadromous fishery resources. (AFCA)
- Provide assistance to states to develop and carry out cooperative fishery management plans. (ACFCMA)
- Determine whether states are in compliance with ASMFC plans; and if not, implement and enforce a moratorium on fishing for relevant species in state waters in order to make state waters compatible with ASMFC measures in Federal waters. (ACFCMA)
- Participate on behalf of the United States in the operations of the International Commission for Conservation of Atlantic Tunas. Adopt and implement regulations to carry out the purposes, objectives, and recommendations of the Convention and ICCAT, including, but not limited to: dividing Convention waters into areas, establishing open or closed seasons, limiting the size and quantity of the permissible catch, limiting or prohibiting incidental catch of regulated species, and requiring vessel clearance certificates. (ICCAT, ATCA)

- Issue regulations prohibiting U.S. entry of any fish taken in a manner that undermines the effectiveness of IATTC recommendations. (ATCA)
- Implement a national tuna tracking system consistent with AIDCP requirements to document the dolphin-safe status of Eastern Tropical tuna. (AIDCP)
- Adopt regulations effective in implementing the responsibilities of the U.S. under the Convention on the Conservation of Antarctic Marine Living Resources. Carry out the rulemaking process to amend U.S. regulations implementing CCAMLR as appropriate. (AMLRCA)
- Adopt regulations to carry out the purposes and objectives of the Convention between the U.S. and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and the Bering Sea and the Act; may cooperate with authorized officials of the Government of Canada, with the concurrence of the Secretary of State. (NPHA)
- Implement regulations to prevent overfishing and provide for optimum production of Pacific salmon. (PSTA)
- Implement guidelines for the Code of Conduct for Responsible Fisheries and related instruments. (Code of Conduct for Responsible Fisheries)

3. LINKS TO NOAA STRATEGIC PLAN

NOAA Mission Goal:

The Fisheries Management Program supports the NOAA strategic goal to “**Protect, Restore, and Manage the Use of Coastal and Ocean Resources Through and Ecosystem Approach to Management.**”

The FMP’s foremost responsibility is the sustainable management of our Nation’s fisheries. Integrating widely ranging constituent needs, the FMP uses ecosystem approaches that ensure all components of the marine and coastal ecosystems and their interactions are considered during decision-making and management. These decisions are also based on the idea of sustainability to make certain that social, economic, and environmental needs are considered over a long temporal horizon. Through this sustainable, ecosystem approach, FMP achieves NOAA’s ecosystem goal for marine fisheries.

A. Goal Outcomes:

- *Healthy and productive coastal and marine ecosystems that benefit society.*
- *A well-informed public that acts as a steward of coastal and marine ecosystems.*

B. Goal Performance Objectives:

- *Increase number of fish stocks managed at sustainable levels.*

The FMP works with its eight Regional Fisheries Management Councils as well as with partners at the federal, regional, state and local levels to control fishing mortality rates, eliminate overfishing, and rebuild stocks to the level that supports the maximum sustainable yield. Fish stocks managed at sustainable

levels support economically sound commercial and recreational fisheries, fishing communities, and resilient ecosystems that are more resistant to stress.

Market-based limited access privilege programs (LAPPs) can improve the economic performance of fisheries, contribute to rebuilding stocks, and improve safety. They can lead to reductions in overcapacity and more profitable fisheries that benefit fishing communities and the nation. LAPPs encourage stewardship by giving the fishing industry an increased stake in managing fisheries at sustainable levels for the long term.

- *Increase portion of population that is knowledgeable of and acting as stewards for coastal and marine ecosystem issues.*

The FMP recognizes that sustainability of the Nation's fisheries is largely determined by the actions of our constituents - whether they are fishers, coastal watershed residents, businesses, or seafood consumers. A knowledgeable industry and citizenry is better positioned to make the informed decisions that strengthen their communities' resilience and to help ensure the sustainability of the Nation's fisheries. In each of the seven large marine ecosystems (LME), the FMP collaborates with regional partners and local stakeholders to develop a comprehensive understanding of fishery management and engage constituents in stewardship of the resource.

C. Goal Strategies:

- Engage and collaborate with our partners to achieve regional objectives by delineating regional ecosystems.
- Manage uses of ecosystems by applying scientifically sound observations, assessments, and research findings to ensure the sustainable use of resources and to balance competing uses of coastal and marine ecosystems.
- Develop coordinated regional and national outreach and education efforts to improve public understanding and involvement in stewardship of coastal and marine ecosystems.
- Engage in technological and scientific exchange with our domestic and international partners to protect, restore, and manage marine resources within and beyond the Nation's borders.

4. PROGRAM OUTCOMES

1. Socio-Economic outcome

Socio-economic benefits to the Nation are maximized by maintaining fish stocks at a level that provides maximum sustainable yield, by managing fisheries using market-based Limited Access Privilege Programs, and by reducing harvesting overcapacity to ensure healthy commercial and recreational fishing industries that provide safe and nutritious seafood.

2. Regional Ecosystem outcome

Health and resilience of regional ecosystems and their communities are increased by applying ecosystem principles in the management of Federal, Interjurisdictional, and International fisheries.

3. Sustainable Fish Stocks outcome

Overfishing is ended and overfished stocks are rebuilt to the level that provides maximum sustainable yield.

4. Bycatch and Discard Minimization outcome

Bycatch and discard of fish species, seabirds, marine mammals, turtles, and other protected species is minimized.

5. Outreach/Education outcome

Increased percentage of the public is engaged in stewardship of fishery resources and resilience of coastal communities is increased as a result of education and outreach efforts to increase environmental literacy and environmentally responsible behaviors.

6. Regulatory Process Improvement outcome

Fishery management plans and regulations are implemented with improved timeliness, quality, and effectiveness through implementation of the Regulatory Streamlining Program.

5. PROGRAM ROLES AND RESPONSIBILITIES

This program is established and managed with the procedures established in the NOAA Business Operations Manual (BOM). Responsibilities of the Program Manager are described in the BOM. Responsibilities of other major participants are summarized below:

A. Participating Line Office, Staff Office, and Council Responsibilities:

- NMFS is responsible for the FMP. The Headquarters Offices of Sustainable Fisheries, International Affairs Office, and Management and Budget have roles and responsibilities for this program. In addition, the six NOAA Fisheries Regional Offices and eight Regional Fishery Management Councils are also major contributors to the program's capabilities. The program builds upon and uses information from the Ecosystem Observation Program and, to a lesser degree, the Protected Species, Habitat, and Ecosystem Research Programs. Effective fisheries management is also supported by activities of the Enforcement Program.
- NOAA General Counsel is responsible for providing legal advice to the FMP as decisions are being prepared, reviewed, and implemented. Because the program has numerous statutory, regulatory, and international drivers with many substantive and procedural mandates, the program is constantly subject to litigation as well as legal/policy debate in the Congress. The success of the program depends on getting sound legal advice. NOAA's regional and headquarters attorneys advise the Councils, the regional offices, and headquarters on issues relating to the application of all of our drivers, substantive and procedural. They also work closely with the

Department of Justice when our activities are subjected to scrutiny in court. Their work within the FMP is essential.

B. External Agency/Organization Responsibilities:

The FMP consults and coordinates with the U.S. Fish and Wildlife Service, State Department, coastal state management agencies, interstate commissions, Regional Fishery Management Organizations, and international partners. Additionally, the FMP interacts with and receives comments from numerous private sector organizations (commercial and recreational fishing organizations, environmental groups, fishers, general public, etc.).

6. END USERS OR BENEFICIARIES OF PROGRAM

- *Commercial and recreational fishing industries/commercial fishers/recreational anglers/subsistence fishers/Native and tribal groups/processors and processing labor* – the program sets harvest limits, directly or indirectly sets fishing capacity levels, determines allocations, and establishes permitting, reporting, and other requirements with which fishers and associated industries must comply in order to achieve and maintain sustainable fisheries.
- *Regional Fishery Management Councils* – the program provides funding for Council operations, guidance for Council requirements, administrative support for Council member appointments, and review/approval/implementation of Council recommendations.
- *Interstate Marine Fisheries Commissions* – the program participates, coordinates, and responds to ASMFC fishery management action and information needs, and reviews/approves/implements ASMFC recommendations for non-MSA fishery management actions.
- *State and local governments/Resource managers* – the program consults, coordinates, and responds to fishery management action and information needs.
- *International organizations/ Department of State* – the program participates in international organizations and commissions and consults with Department of State on fishery management recommendations and implementation.
- *Non-governmental organizations* – the program responds to fishery management action and information needs and consults with such organizations.
- *Academia/scientists* – the program depends on access to and communication with Academia and to scientists while addressing fishery management actions and information needs.
- *General public* – the program responds to fishery management actions and information needs and allows for public participation in the decision-making process through public meetings and inviting public comments on important fishery management actions.
- *Coastal communities/ Ocean and coastal resource-based businesses* – the program responds to fishery management actions and information needs as well as considers the needs of these communities and businesses.

- *Seafood consumers/ Seafood industry/Public health officials* – the program provides seafood safety inspection services and participates in development of health and safety initiatives.
- *Federal agencies (regulatory & other)* – the program coordinates and responds to Federal agency information needs.
- *Members of Congress* – the program responds to information needs, including drafting and reviewing legislation.
- *Grantees* – the program awards extramural research grants to study the impacts of fishery management actions; grants to states, tribal, and commissions for purposes of data collection and monitoring, compliance with federal laws, and for co-management of natural resources and fish habitat.
- *Sea Grant extension* – the program responds to information needs.
- *Students and teachers* – the program responds to information needs.
- *NOAA employees/mission goal teams/managers* – the program responds to information needs.

APPENDIX: FISHERY MANAGEMENT PROGRAM DETAILED REQUIREMENTS AND REQUIREMENTS DRIVERS

A. Complete Summary of Program Requirements Drivers

Executive Response to the U.S. Commission on Ocean Policy

- *U.S. Ocean Action Plan (OAP)*

The Ocean Action Plan creates a Committee on Ocean Policy and calls for regional-level governance, planning, and coordination on ocean issues. It's primary objective is to improve the health and management of marine areas through regional and ecosystem approaches.

Commercial and recreational marine fisheries are an important source of economic revenue and jobs. The commercial fishing industry's total annual value is estimated to exceed \$28 billion, while the recreational saltwater fishing industry is valued at approximately \$30 billion annually. In order to maintain these two industries as a healthy part of the U.S. economy and to promote a healthy marine ecosystem, the Federal government needs to continue to take steps to improve fisheries management and the OAP specifies several actions that are the responsibility of the FMP.

Legislation and Executive Orders

- *Magnuson-Stevens Fishery Conservation and Management Act (MSA)*

The MSA serves as the primary authority for fisheries management in the U.S. Exclusive Economic Zone. The MSA establishes authority within the U.S. Department of Commerce, through NMFS and the eight fishery management councils, for management of U.S. fishing operations. Section 301(a) contains 10 national standards with which all fishery management plans and their amendments must be consistent.

The MSA was reauthorized and amended on January 12, 2007, by the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (MSRA). The new law is groundbreaking in several respects: it mandates the use of annual catch limits and accountability measures to end overfishing, provides for widespread market-based fishery management through limited access privilege programs, and calls for increased international cooperation. The MSRA also requires NMFS to revise and update procedures for compliance with the National Environmental Policy Act (NEPA). The implementation of the MSRA is one of the FMPs top priorities.

- *National Environmental Policy Act of 1969 (NEPA)*

NEPA is the foundation of assessing and disclosing the environmental impacts of a Federal decision. NEPA requires that NOAA, when carrying out its duties, use all practicable means to create and maintain conditions under which people and nature

can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations of Americans. NEPA provides a mandate and a framework for NOAA to consider all reasonably foreseeable environmental effects of its proposed actions and to involve and inform the public in the decision-making process.

- *Endangered Species Act of 1973 (ESA)*

The ESA implemented the Convention on International Trade in Endangered Species of Wild Fauna and Flora, signed by the United States on March 3, 1973, and the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere, signed by the United States on October 12, 1940. The ESA provides for the conservation of ecosystems upon which threatened and endangered species of fish, wildlife, and plants depend, both through Federal action and by encouraging the establishment of State programs.

- *Marine Mammal Protection Act of 1972 (MMPA)*

The MMPA requires NOAA to conserve marine mammals such as cetaceans and pinnipeds, other than the walrus. With certain specified exceptions, the Act establishes a moratorium on the taking and importation of marine mammals as well as products taken from them, and establishes procedures for waiving the moratorium and transferring management responsibility to the States.

- *Regulatory Flexibility Act (RFA)/Small Business Regulatory Enforcement Fairness Act (SBREFA)/Congressional Review Act (CRA)/Executive Order 12866 (E.O. 12866)*

The Regulatory Flexibility Act requires NOAA to consider the effects of its regulatory actions on small businesses and other small entities and to minimize any undue disproportionate burden. The chief counsel for advocacy of the U.S. Small Business Administration is charged with monitoring NOAA's compliance with the act and with submitting an annual report to Congress.

Executive Order 12866 reforms and makes more efficient the regulatory process. The objectives of this Executive order are to enhance planning and coordination with respect to both new and existing regulations; to reaffirm the primacy of Federal agencies in the regulatory decision-making process; to restore the integrity and legitimacy of regulatory review and oversight; and to make the process more accessible and open to the public. In pursuing these objectives, the regulatory process shall be conducted so as to meet applicable statutory requirements and with due regard to the discretion that has been entrusted to NOAA.

The SBREFA amended the RFA to require federal agencies to convene a small business advocacy review panel prior to proposing any rule that will have a significant economic impact on a substantial number of small entities. It also added a provision that allows small entities adversely affected by a final rule to challenge the agency's compliance with the RFA's requirements in court.

The Congressional Review Act set up a process in which Congress has 60 session days to review and possibly reject agency rules. NOAA must submit all new rules to the parliamentarians and leadership in both the House and Senate, in addition to the General Accounting Office (GAO). GAO then must provide a report to the agency's authorizing committee on each major rule within 15 days of the rule's publication in the Federal Register or its receipt by Congress, whichever is later.

- *Coastal Zone Management Act (CZMA)*

The Coastal Zone Management Act (CZMA) is the congressional plan for managing America's coasts. NOAA cooperates with state, local, regional, and other federal agencies and governments having programs affecting the coastal zone. NOAA must consider a balance between economic development and resource protection within the coastal zone.

- *Information Quality Act (IQA)/Paperwork Reduction Act (PRA)*

In accordance with the IQA, the FMP must use and disseminate accurate information. The IQA requires the FMP to issue information quality guidelines ensuring the quality, utility, objectivity, and integrity of information that they disseminate and provide mechanisms for affected persons to correct such information.

PRA requires the FMP to consider and minimize recordkeeping and reporting burden when collecting information from the public. It requires the FMP to plan for the development of new collections of information and the extension of ongoing collections well in advance of sending proposals to the Office of Management and Budget (OMB). The PRA requires the FMP to obtain approval from OMB before undertaking a collection of information directed to 10 persons or more, continuing a collection for which the MB approval is about to expire or substantially modifying a collection of information previously approved by OMB.

The FMP must seek public comment on proposed collections of information through "60-day notices" in the Federal Register; certify to OMB that efforts have been made to reduce the burden of the collection on small businesses, local government and other small entities, and have in place a process for independent review of information collection requests prior to submission to OMB.

International or inter-agency cooperation and bilateral or multilateral requirements drivers:

Under the authorities and organizations listed below, NOAA has entered into agreements and treaties and promulgated regulations to achieve and maintain sustainable fisheries management for highly migratory species, transboundary⁴ stocks and other international fisheries through international cooperation:

⁴ Transboundary means across borders

- *U.N. Code of Conduct for Responsible Fisheries and Convention on the Law of the Sea relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (U.N. Code of Responsible Fisheries)*

This Code of Conduct for Responsible Fisheries sets out principles for the conservation and management of those fish stocks and establishes that such management must be based on the precautionary approach and the best available scientific information. The Agreement elaborates on the fundamental principle, established in the Convention, that States should cooperate to ensure conservation and promote the objective of the optimum utilization of fisheries resources both within and beyond the exclusive economic zone.

- *Atlantic Tunas Convention Act of 1975 (ATCA)/International Convention for the Conservation of Atlantic Tunas (ICCAT) (signed in Rio de Janeiro on May 14, 1966)*

The Atlantic Tunas Convention Act authorizes the Secretary of Commerce to administer and enforce all provisions of ICCAT. Pursuant to this goal, the Secretary cooperates with the duly authorized officials of the government of any party to the Convention as well as any other Federal department or agency or any State. This Act authorizes the Secretary to prohibit the entry into the United States of any species subject to regulations recommended by ICCAT and taken from the Convention area in a manner that would diminish the effectiveness of ICCAT's conservation efforts. The Secretary may also prohibit the importation of any fish regulated by the Convention from a country whose fishing vessels are harvesting in the Convention area in a manner that would diminish the effectiveness of ICCAT's recommendations. The Act aims to maintain populations of tunas and tuna-like species at levels that will permit the maximum sustainable yield from the fishery.

- *Interjurisdictional Fisheries Act of 1986 (IFA)/Anadromous Fish Conservation Act 1965 (AFCA)*

The Interjurisdictional Fisheries Act provides for grants by the Secretary of Commerce to States for management of interjurisdictional commercial fishery resources.

The Anadromous Fish Conservation Act authorizes the Secretaries of the Interior and Commerce to enter into cooperative agreements with the States and other non-Federal interests for conservation, development, and enhancement of anadromous⁵ fish, including those in the Great Lakes, and to contribute up to 50 percent as the Federal share of the cost of carrying out such agreements.

- *Atlantic Coastal Fisheries Cooperative Management Act (ACFCMA)/Atlantic Striped Bass Conservation Act (ASBCA)*

The purpose of the Atlantic Coastal Fisheries Cooperative Management Act is to provide assistance to eligible States and the Atlantic States Marine Fisheries

⁵ Anadromous means ascending rivers from the sea for breeding

Commission (ASMFC) in order to support and encourage the development, implementation, and enforcement of effective interstate conservation and management of Atlantic Coastal resources.

The Atlantic Striped Bass Conservation Act, approved October 31, 1984, recognizes the commercial and recreational importance, as well as the interjurisdictional nature, of striped bass, and established a unique State-based, Federally backed management program.

- *High Seas Fishing Compliance Act (HSFCA)*

The Act is the federal legislation implementing the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas. It requires high seas fishing vessels to operate under permits issued by the Secretary of Commerce and to comply with international conservation and management measures. The Act provides civil, criminal and forfeiture penalties for violation.

- *South Pacific Tuna Act of 1988 (SPTA)*

States that the Secretary of Commerce shall issue regulations to carry out the purposes and objectives of the Treaty on fisheries between certain Pacific Island States and the government of the United States for the conservation of tuna. Regulations will include measures related to management, observers, reporting, enforcement, licenses, penalties, prohibited acts, and civil offenses.

- *Pacific Salmon Treaty Act of 1985 (PSTA)*

The Act establishes implementation of the treaty between the United States and Canada for the conservation, rational management, and optimum production of the Pacific salmon resource. The Act also addresses such matters as federal jurisdiction, the adoption of regulations and enforcement.

- *Atlantic Salmon Convention Act (ASCA)*

Provides for the appointment of a commissioner to the governing international commission and for the development of regulations for the conservation of Atlantic salmon.

- *North Pacific Anadromous Stocks Act (NPASA)*

Provides for the appointment of a commissioner to the North Pacific Anadromous Fish Commission, and for the management and enforcement of a prohibition of directed fishing for salmonids⁶ on the high seas area of the North Pacific, including the incidental take of salmonids in other fisheries in the Convention area.

⁶ Salmonids are all fishes belonging to the taxonomic family Salmonidae; ie, salmon, trout, char and whitefish

- *P.L. 100-629, an Act that implemented the U.S.-Russia Comprehensive Fisheries Agreement (P.L. 100-629)*

Establishes a working agreement for the conservation of fishery resources including the reciprocal allocation of surplus fish resources, as appropriate, in each country's 200-mile zone and cooperation to address illegal or unregulated fishing activities on the high seas.

- *The Antarctic Marine Living Resources Convention Act of 1994 (AMLRCA)*

The AMLRCA implements the Convention on the Conservation of Antarctic Marine Living Resources (the Convention). The Convention and the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) was established mainly in response to concerns that an increase in krill catches in the Southern Ocean could have a serious effect on populations of krill and other marine life; particularly on birds, seals and fish, which mainly depend on krill for food. The FMP conducted a comprehensive review of U.S. regulatory measures to implement conservation and management measures adopted by CCAMLR and published a Final Programmatic Environmental Impact Statement (FPEIS) in October 2006. Following publication of the FPEIS, a Record of Decision on preferred alternatives would form the basis for any rulemaking process to amend U.S. regulations implementing CCAMLR conservation and management measures, if appropriate.

- *Central Bering Sea Fisheries Enforcement Act (CBSFEA)*

Establishes an international regime for conservation, management, and optimum utilization of pollock resources in the Convention area.

- *Northwest Atlantic Fisheries Convention Act (NAFCA)*

Provides for the appointment of a U.S. commissioner to the Northwest Atlantic Fisheries Organization, which is responsible for conservation and management of fishery resources in the regulatory area beyond coastal state jurisdiction, including research, harvest allocations, monitoring, and enforcement.

- *Northern Pacific Halibut Act (NPHA)*

Authorizes NOAA to enforce the terms of the Convention between the U.S. and Canada and the Act, adopt regulations to carry out the purposes and objectives of the Convention and the Act, and to enforce all provision of the Convention, Act, and regulations.

- *Tuna Conventions Act of 1950 (TCA)*

Implements the Convention for the Establishment of the IATTC. Authorizes the Secretary of Commerce to divide Convention waters into areas, establish open or closed seasons, limit the size and quantity of the permissible catch, limit or prohibit incidental catch of regulated species, require vessel clearance certificates, and take

other measures deemed necessary to implement IATTC recommendations. Concurrent with these regulations, the Secretary of Commerce also issues regulations prohibiting U.S. entry of any fish taken in a manner that undermines the effectiveness of IATTC recommendations.

- *Agreement on the International Dolphin Conservation Program (AIDCP)*

The AIDCP aims to ensure the long-term sustainability of tuna stocks in the eastern Pacific Ocean, as well as living marine resources related to the tuna fisheries; to seek ecologically sound means of capturing large yellowfin tunas not in association with dolphin progressively reduce the incidental dolphin mortalities in the tuna fishery of the eastern Pacific Ocean to levels approaching zero; and to avoid, reduce and minimize the incidental catch and the discard of juvenile tuna and the incidental catch of non-target species, taking into consideration the interrelationship among species in the ecosystem.

B. Specific desired end states, substantive mandates, and detailed procedural mandates for principle requirements drivers

	Desired End-States	Substantive Mandates	Procedural Mandates
U.S. Ocean Action Plan	<ul style="list-style-type: none"> (1) Increased number of fisheries managed under market-based limited access privilege programs (2) Effective regional fisheries management partnerships in all regions (3) Balanced representation on fishery management councils (4) Sustainable fisheries in the Caribbean and nearby Atlantic with effective international cooperation (5) Significantly reduce bycatch and bycatch mortality impacting fisheries and protected species (6) Significantly reduce illegal, unregulated, and unreported fishing (7) Protections for deep-sea corals in fishery management plans 	<ul style="list-style-type: none"> (1) Work with Regional Fishery Management Councils to promote greater use of market-based systems for fisheries management through the support and promotion, as appropriate, of limited access privileges (2) Advance regional fisheries management, such as the Southeast Aquatic Resources Partnership, which focuses on joint resource responsibility, rather than individual Federal and state responsibilities (3) Foster a balanced representation for Regional Fishery Management Councils (4) Foster sustainable harvests of key fish species in the Caribbean and nearby Atlantic (5) Implement new national bycatch strategy (6) Establish an implementation plan for combating international “illegal, unregulated and unreported” fishing (7) Work with the regional fishery management councils to facilitate council consideration of measures to conserve and manage deep-sea coral communities. Encourage all regional fishery management councils to take action, where appropriate, to protect deep-sea corals when developing and implementing regional fishery management plans 	

	Desired End-States	Substantive Mandates	Procedural Mandates
MSA	<ul style="list-style-type: none"> (1) Conserve and manage the fishery resources found off the coasts of the United States, and the anadromous species and Continental Shelf fishery resources of the United States (2) Prevent overfishing, rebuild overfished stocks, and achieve and maintain, on a continuing basis, the optimum yield from each fishery 	<ul style="list-style-type: none"> (1) Insure that national fishery conservation and management program utilize, and are based upon, the best scientific information available (2) Insure that each fishery management plan specifies objective and measurable criteria for identifying when the fishery to which the plan applies is overfished and contains conservation and management measures to prevent or end overfishing and rebuild the fishery (3) Insure that fishery management plans describe and identify essential fish habitat for the fishery, minimize to the extent practicable adverse effects on such habitat caused by fishing, and identify other actions to encourage the conservation and enhancement of such habitat (4) Achieve optimum yields on a continuing basis (5) Prepare, monitor and revise fishery management plans for Atlantic highly migratory species under specific mandatory procedures (6) Review fishery management plans and amendments and approve, disapprove, and partially-disapprove within statutory time limit (7) Implement approved fishery management plans or amendments, including promulgation of necessary regulations (8) Develop annual catch limits and accountability measures for all fisheries to end and prevent overfishing in 2010 for stocks subject to overfishing, and 2011 for all others. (9) Establish reliable data collection (10) Regulate foreign fishing where allowed (11) Increase international cooperation in fisheries management by: addressing international overfishing; addressing illegal, unreported, and unregulated fishing and bycatch of protected living marine resources; improve international monitoring of fishing activities and compliance; strengthen regional fishery management organizations. (12) Establish a Secretarial representative for international 	<ul style="list-style-type: none"> (1) Appoint Regional Fishery Management Council members; pay costs and expenses of Regional Fishery Management Councils; approve and implement fishery management plans; and establish advisory guidelines (2) Insure that states, the fishing industry, consumer and environmental organizations, and other interested persons have the opportunity to participate in, and advise on, the establishment and administration of fishery management plans (3) Insure that Councils conduct public hearings, at appropriate times and in appropriate locations in the geographical area concerned, so as to allow all interested persons an opportunity to be heard in the development of fishery management plans and amendments to such plans (4) Insure that fishery management plans contain the conservation and management measures, applicable to foreign fishing and fishing by vessels of the United States, which are necessary and appropriate for the conservation and management of the fishery, to prevent overfishing and rebuild overfished stocks, and to protect, restore, and promote the long-term health and stability of the fishery (5) Insure that fishery management plans specify pertinent data (6) Insure that each fishery management plan establishes a standardized reporting methodology to assess the amount and type of bycatch occurring in the fishery, and includes measures to the extent practicable and in the following priority: minimize bycatch and minimize the mortality of bycatch which cannot be avoided (7) Insure that fishery management plans allocate harvest restrictions or recovery benefits fairly and equitably among the commercial, recreational, and charter fishing (8) Allow for fishery management plans to include permits, fees, catch limits, area/zone limits, gear regulations, limited access, and observers (9) Revise and update NMFS procedures to comply with the National Environmental Policy Act. (10) Within 1 year of Secretary's determination that a fishery is "overfished" or "approaching overfished" due to
MSA	<ul style="list-style-type: none"> (3) Conduct domestic commercial and recreational fishing under sound conservation and management principles (4) Protect essential fish habitat, including advice to Councils and in the review of projects conducted under Federal permits, licenses, or other authorities (5) Accept international agreements that provide for effective conservation and management of fishery resources, particularly highly migratory species; including agreements to regulate fishing by vessels or persons beyond the exclusive economic zones of any nation (6) Eliminate destructive fishing practices on the high seas, particularly high-seas driftnet fishing 		

	Desired End-States	Substantive Mandates	Procedural Mandates
MSA		<p>fisheries.</p> <p>(13) Require Council preparation of fishery management plans to end overfishing and rebuild to achieve optimum yield within specified time frames and with public input</p> <p>(14) Administer essential fish habitat program, including advice to Councils and consultations with other federal agencies</p> <p>(15) Carry out any approved fishery management plan or amendment, including promulgation of necessary regulations, in accordance with the Administrative Procedures Act</p> <p>(16) Establish an exclusive central registry system for limited access system permits, including individual fishing quotas</p> <p>(17) Conduct referenda for Individual Fishing Quota programs under consideration by the New England Fishery Management Council and the Gulf of Mexico Fishery Management Council before they can be approved.</p> <p>(18) Establish with the North Pacific Council a western Alaska community development quota program, using specific mandatory criteria and procedures</p> <p>(19) Maintain state jurisdiction in the territorial seas</p> <p>(20) Enforce the Act, in cooperation with the Coast Guard; including assessing civil penalties and permit sanctions for violations</p> <p>(21) Determine that natural disasters have occurred, and make funds available for restoring fishery resources</p> <p>(22) Conduct, at the request of the appropriate Council for fisheries under the authority of such Council, or the Governor of a State for fisheries under State authority, a fishing capacity reduction program, according to specified requirements and procedures</p> <p>(23) Carry out the Northwest Atlantic Ocean Fisheries Reinvestment Program</p> <p>(24) Establish and carry out a standardized fishing vessel registration program and a fisheries information system program; and carry out need-justified fisheries information collection programs requested</p>	<p>excessive international pressure, then the appropriate Council, or Secretary must: recommend domestic regulations to address the relative impact of US fishing vessels and develop and submit recommendations to the Secretary of State and Congress on actions to end overfishing and rebuild stocks.</p> <p>(11) Address illegal, unreported, and unregulated fishing and bycatch of protected living marine resources through: biennial Report to Congress on International Compliance and Certification procedures.</p> <p>(12) Follow detailed mandatory procedures for NOAA review and approval/disapproval of fishery management plans, promulgation of regulations, and preparation of Secretarial plans</p> <p>(13) Insure that fishery management plans are consistent with the ten (10) national standards and other applicable law:</p> <ol style="list-style-type: none"> Prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry Base conservation and management measures on the best scientific information available Manage individual fish stocks as a unit throughout their range and manage interrelated fish stocks as a unit or in close coordination, to the extent practicable Allocate or assign any necessary fishing privileges among various United States fishers in such a manner that is (A) fair and equitable to all such fishers; (B) reasonably calculated to promote conservation; and (C) carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges Consider efficiency in the utilization of fishery resources, but prevent any such measure from having economic allocation as its sole purpose Take into account and allow for variations among, and contingencies in, fisheries, fishery resources, and catches Minimize costs and avoid unnecessary duplication Take into account the importance of fishery resources to fishing communities in order to provide for the sustained participation of such communities, and minimize adverse economic impacts on such communities

	Desired End-States	Substantive Mandates	Procedural Mandates
		<p>by the Councils</p> <p>(25) Initiate and maintain, in cooperation with the Councils, a comprehensive program of fishery research on fishery conservation, management, economics, and social characteristics</p> <p>(26) Establish eight Regional Fishery Management Councils to prepare, monitor, and revise fishery management plans; pay costs and expenses of Councils</p> <p>(27) Involve, and respond to the needs of, interested and affected States and citizens; consider efficiency; draw upon Federal, State, and academic capabilities in carrying out research, administration, management, and enforcement; consider the effects of fishing on immature fish; encourage development of practical measures that minimize bycatch and avoid unnecessary waste of fish; and are workable and effective</p> <p>(28) Establish with the Western Pacific Fishery Management Council a program to provide access to fisheries, under the authority of the Council, for western Pacific communities based on specific criteria and procedures.</p> <p>(29) Establish a Fisheries Conservation and Management Fund.</p> <p>(30) Requires a Fisheries Hurricane Assistance Program</p>	<p>i. Promote the safety of human life at sea</p> <p>j. Protect, restore, and promote the long-term health and stability of the fishery</p> <p>k. Allocate harvest restrictions or recovery benefits fairly and equitably among the commercial, recreational, and charter fishing</p> <p>l. Allow for permits, fees, catch limits, area/zone limits, gear regulations, limited access, and observers</p> <p>m. Follow detailed mandatory procedures for NOAA review and approval, disapproval, or partial-disapproval of fishery management plans, promulgation of regulations, and preparation of Secretarial plans</p> <p>n. Describe and identify essential fish habitat for the fishery, minimize to the extent practicable adverse effects on such habitat caused by fishing, and identify other actions to encourage the conservation and enhancement of such habitat</p>

	Desired End-States	Substantive Mandates	Procedural Mandates
NEPA	<ul style="list-style-type: none"> (1) Systematic, interdisciplinary approach used to insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision-making which may have an impact on man's environment (2) Insure that presently unquantified environmental amenities and values may be given appropriate consideration in decision-making along with economic and technical considerations 	<ul style="list-style-type: none"> (1) Undertake efforts to prevent or eliminate damage to the environment, stimulate the health and welfare of man, and enrich the understanding of ecological systems and natural resources important to the Nation (2) Use all practicable means to carry out programs in a way to achieve NEPA objectives 	<ul style="list-style-type: none"> (1) Prepare appropriate documentation for major federal actions significantly affecting the quality of the human environment (2) Conduct scoping (3) Identify and analyze range of alternatives (4) File and publish Draft EIS document for public comment (5) Respond to comments (6) File and publish Final EIS document (7) Record of Decision
ESA	<ul style="list-style-type: none"> (1) Fisheries management does not jeopardize endangered species or adversely modify their critical habitat 	<ul style="list-style-type: none"> (1) Undertake activities to conserve endangered and threatened species and to conserve ecosystems upon which endangered and threatened species depend 	<ul style="list-style-type: none"> (1) Undertake Section 7 Consultations to ensure that fisheries management does not jeopardize endangered species or adversely modify their critical habitat
MMPA	<ul style="list-style-type: none"> (1) Avoid encounters with marine mammals 	<ul style="list-style-type: none"> (1) Undertake activities to avoid the “take” and “harassment” of marine mammals, where “take” means to harass, hunt, capture, or kill, or attempt to harass, hunt, capture or kill any marine mammal, and “harassment” means any act of pursuit, torment, or annoyance which has the potential to injure a marine mammal or marine mammal stock in the wild; or has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption or behavioral patterns, including, but not limited to, 	<ul style="list-style-type: none"> (1) Insure that potential impacts to marine mammal population(s) are analyzed in an environmental assessment or environmental impact statement, and addressed in regulations (2) Follow specific mandatory procedures for mitigation of adverse impacts to marine mammal populations

	Desired End-States	Substantive Mandates	Procedural Mandates
		<p>migration, breathing, nursing, breeding, feeding, or sheltering</p> <p>(2) Undertake actions to mitigate adverse impacts, where appropriate</p>	
ATCA/ICCAT	<p>(1) Maintain populations of tunas and tuna-like species at levels that will permit the maximum sustainable yield from the fishery</p>	<p>(1) Participate on behalf of the United States in the operations of ICCAT</p> <p>(2) Adopt and implement such regulations as may be necessary to carry out the purposes and objectives of the Convention, and to carry out recommendations of ICCAT</p> <p>(3) In the case of repeated and flagrant violations by the vessels of any country which seriously threaten the achievement of the objectives of the Commission's recommendations, the Secretary may prohibit the entry of species covered by the Convention</p> <p>(4) Reserve state jurisdiction in territorial sea</p> <p>(5) Develop and implement a comprehensive research and monitoring program to meet specified objectives</p>	<p>(1) Follow specific mandatory procedures for promulgating regulations</p>
IFA/AFC A)	<p>(1) Cooperative management of interjurisdictional fisheries throughout their range</p> <p>(2) To conserve, develop and enhance anadromous fish resources of the United States</p>	<p>(1) Approve state projects to use allocated funds and provide funding to the states</p> <p>(2) Construct, install, maintain, and operate devices and structures to improve feed and spawning conditions, protection, fish hatcheries, and control of sea lamprey</p> <p>(3) Make recommendations regarding the development and management of any body of water for the conservation and enhancement of anadromous fishery resources</p>	<p>(1) IFA funding must be provided to states according to a statutory formula.</p> <p>(2) Enter into cooperative agreements to conserve, develop and enhance anadromous fish resources</p>

	Desired End-States	Substantive Mandates	Procedural Mandates
ACFCM A/ASBC A	(1) Effective interstate conservation and management of Atlantic coastal fishery resources	(1) Provide assistance to states to develop and carry out cooperative fishery management plans (2) Determine whether states are in compliance with ASMFC plans; and if not, implement and enforce a moratorium on fishing for relevant species in state waters (3) Implement regulations in federal waters compatible with ASMFC measures in state waters	(1) Follow detailed procedures for noncompliance determinations and implementation of moratoria (2) Follow detailed procedures for promulgation of regulations (3) Ensure that measures implemented in the Exclusive Economic Zone
RFA/SBR EFA/ E.O. 12866	(1) Assess full impacts through the use of cost-benefit and other economic analyses and limit regulations to those required to interpret law or meet a compelling need	(1) Complete a regulatory flexibility analysis for significant rules	(1) Regulatory flexibility analysis must contain required elements and include public review (2) Complete a listing document for OMB review and a regulatory impact review in order to determine the level of economic significance
APA	(1) Reasonable (i.e., not arbitrary and capricious) agency discretion utilized	(1) Insure that decisions are rationally supportable by the administrative record (2) Provide notice and comment rulemaking with public opportunity to comment	(1) Notice and comment rulemaking with public opportunity to comment and decisions made on the basis of material in the record
IQA/PRA	(1) Data collections and disseminations comply with all requirements	(1) Ensure and maximize the quality, objectivity, utility, and integrity of information, including statistical information, disseminated by NOAA (2) Minimize the paperwork burden for individuals, small businesses, educational, and nonprofit institutions, Federal contractors, State, local and tribal governments, and other persons resulting from the collection of information by or for the Federal Government while ensuring the greatest possible public benefit from and maximize the utility of information created, collected, maintained, used, shared and disseminated by or for the Federal Government	(1) Complete Pre-dissemination Review form for IQA (2) Prepare a supporting statement for each proposed collection of information (3) Complete the OMB-83I form and other collection forms, as appropriate

	Desired End-States	Substantive Mandates	Procedural Mandates
Merchant Marine Act, Title XI	(1) Long-term capital available to qualified fishing enterprises that is consistent to the realistic risks of the business and not affected by vagaries of the capital markets	(1) Make loans to fishing enterprises, including specifically for vessel capacity reductions	(1) Numerous detailed requirements for qualifications, collateral, and other financial matters
Agricultural Marketing Act/Saltwater Fishery Conservation Act/Kennedy Act	(1) Promotion of the free flow of domestically produced fish products	(1) Make grants for research and development for harvesting, processing, marketing and associated infrastructures and provide a voluntary fee based seafood inspection service	(1) Solicit grant proposals; specific procedural requirements for grants; provide upon request seafood inspection services
NOAA Regulatory Streamlining Program – Regulatory Quality Improvement	(1) Efficient and effective NOAA Fisheries regulatory processes (2) Decreased vulnerability to litigation	(1) Improve the quality of its rulemaking processes by frontloading policy and legal concerns, resolve issues early in the process, insure that all issues are adequately addressed (2) Strengthen its NEPA implementation, and focus on training, regulatory document standards, and quality control/quality assurance	(1) Revise operational guidelines; prepare training and quality control/quality assurance protocols
Fisheries Trade Action Plan (Undersecretary Memorandum, 1086)	(1) Tariff and non-tariff barriers to fisheries trade are reduced	(1) Work with the U.S. Trade Representative and the International Trade Administration (2) Provide advice within NOAA on multilateral and bilateral issues with trade implications (e.g., fishing allocations; whaling sanctions)	(1) Maintain trade program using fisheries development funding resources

